

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

September 22, 2009

Under the Los Angeles County zoning code, the Department of Regional Planning (“Department”) may grant only a single one-year extension to the life of an oak tree permit before it expires for lack of use. Until recently, however, the Department often granted multiple extensions in violation of the county code.

Property owners in the Santa Monica Mountains Coastal Zone have been particularly affected by no longer being able to get multiple extensions because they must receive a coastal development permit from the California Coastal Commission before they can use their oak tree permit. As a result of the lengthy delays that property owners currently face during Coastal Commission and other regulatory agency review, it is extremely difficult for a property owner of even one single-family parcel to finish the permitting process during the three year period (including the extension) that an oak tree permit normally lasts.

My office was recently contacted by two such property owners whose extension requests were recently denied. In both of their cases, the Department estimated that the actual cost of processing their oak tree permits was only \$858 since most of the relevant information had already been obtained and staff analysis had already been conducted. Nevertheless, both property owners were being asked to pay the full \$5,546

MOTION

MOLINA _____

RIDLEY-THOMAS _____

YAROSLAVSKY _____

ANTONOVICH _____

KNABE _____

oak tree permit fee.

Forcing these property owners to pay the full permit fee despite the fact that this fee would exceed the actual cost to the Department of processing their permit by \$4,688 is profoundly unfair. The county should rectify this inequity by waiving the difference in permitting fees between the actual cost to the Department and the officially listed fee, particularly since these property owners had no prior warning that they would be unable to obtain extensions of their permits as they had previously been able to do.

I, THEREFORE, MOVE that the Board of Supervisors waive the difference between the \$5,546 listed fee and the actual cost to the Department of processing that permit for any oak tree permits that are filed between July 1, 2009 and December 31, 2009 that replace an expired (or expiring) oak tree permit, do not change the scope of the proposed development, and relate to an application for only one single-family home—new or existing—In the Santa Monica Mountains Coastal Zone.

I FURTHER MOVE that the Department publicize the fact that they no longer grant multiple extensions of oak tree permits so that property owners can anticipate and budget for any additional expenses that may be incurred for all new or replacement oak tree permits that are applied for on or after January 1, 2010.

BS S:\Motions\OTP Fee Waiver

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
REGARDING THE WAIVER OF
CERTAIN LAND USE APPLICATION FEES**

WHEREAS, under the Los Angeles County Zoning Code ("County Code"), the Department of Regional Planning ("Department") may grant only a single one-year extension to the life of an oak tree permit before it expires for lack of use; and

WHEREAS, until recently, the Department often granted multiple extensions for these permits notwithstanding the limitation in the County Code; and

WHEREAS, property owners in the Santa Monica Mountains Coastal Zone have been particularly affected by being disallowed from obtaining multiple extensions because they must receive a coastal development permit from the California Coastal Commission before they can use their oak tree permit; and

WHEREAS, as a result of the lengthy delays that property owners currently face during Coastal Commission and other regulatory agency review, it is difficult for a property owner of even one single-family parcel to finish the permitting process during the three year period, including the extension, that an oak tree permit typically lasts; and

WHEREAS, the Third Supervisorial District has recently been contacted by two property owners whose extension requests were recently denied. In both cases, the Department estimated that the actual cost of processing their oak tree permits was only \$858 since most of the relevant information had already been obtained and staff analysis had already been conducted. Nevertheless, both property owners were asked to pay the full \$5,546 oak tree permit fee; and

WHEREAS, requiring these property owners to pay the full permit fee despite the fact that the fee would exceed the actual cost to the Department of processing their permit places an unfair burden on these property owners; and

WHEREAS, the Board of Supervisors finds that it would be in the public interest for the County to remedy this situation by waiving the difference in permitting fees between the actual cost to the Department and the official fee set forth in the County Code; and

WHEREAS, the waiver of the aforementioned fee is authorized by County Code section 22.60.110.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles that, for any oak tree permit application filed between July 1, 2009 and December 31, 2009 that replaces an expired or expiring oak tree permit, that does not change the scope of the proposed development, and that relates to an application for only one single-family new or existing home in the Santa Monica Mountains Coastal Zone, the Board of Supervisors shall waive the difference between the \$5,546 application fee set forth in the County Code and the actual cost to the Department of processing the oak tree permit application; and

NOW, FURTHER BE IT RESOLVED, that the Board of Supervisors direct the Department to publicize the fact that they no longer grant multiple extensions of oak tree permits so that property owners can anticipate and budget for any additional expenses that may be incurred for all new or replacement oak tree permits that are applied for on or after January 1, 2010.

The foregoing resolution was adopted on the 22nd day of SEPTEMBER by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board also acts.



SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By *Sachi A. Hamai*
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By *Robert E. Kalunian*
Deputy